IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Con.Case(C).No. 1128 of 2007(S)

(JUDGEMENT IN WPC.9287/2007 Dated 20/03/2007)

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PETITIONER/PETITIONER:

S.JAYAKUMAR, AGED 20 YEARS,
S/O.SIVARAMAN, KOMALATH HOUSE,
KATTACHIRA, PALLICKAL P.O.,
KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.C.THOMAS.

RESPONDENT/RESPONDENT NO.1 IN THE WPC:

AJITH.S., (AGE NOT KNOWN,
S/O.NOT KNOWN TO THE PETITIONER),
THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
THIRUVALLA.

BY ADV. SRI. K. HARILAL, SC.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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Cont.Cases(C).No.1128 of 2007-S

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Dated this the 8th day of August, 2007.

JUDGMENT

The respondent is the Welfare Fund Inspector of the Kerala Toddy Workers Welfare Fund Board at Thiruvalla. He was the only respondent from that Board among the respondents in the writ petition on which the judgment dated 20-3-207 (Annexure-A) was issued. He has passed Annexure-B order on 28-5-2007 well within the time limit fixed by the judgment. The time limit fixed was essentially for finalisation of the determination order, though there is also a direction that if any amount is found to be due to the petitioner, that shall be refunded. The learned standing counsel for the Board submits that after Annexure-B order was issued, the respondent had transmitted that order to the Chief Welfare Fund Inspector and it was noticed that

the Annexure-B order had to be considered by the Chairman. It is further submitted that the Chairman has invoked suo motu revisional jurisdiction under the relevant statute and that the matter is pending with the Chairman. It is also submitted that the Chairman of the Board is now laid up with Chickunguniya and therefore, he is not attending office and is expected to commence his official work by the 10th of this month. It is also submitted that the revision would be expeditiously considered and disposed of and the amounts, if any due to the petitioner, would be disbursed without any delay. While recording these submissions, it has also to be noticed that the petitioner has the contention that he has not been notified of any revision having been taken under suo motu powers and also that the suo motu power cannot be exercised without forming any opinion as to the reason why such power should be exercised. Leaving open all those contentions, I do not deem it appropriate to issue any further directions in this matter which essentially is one complaining about the disobedience. There is no case of wilful neglect or

negligence demonstrated. However, on the basis of the statements, it is directed that if there are any admitted amounts, the same would be released to the petitioner within a period of 45 days from now. All questions, including the liability to pay interest, if any, in accordance with law, are left open.

The contempt of court case is closed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/